



California Regional Water Quality Control Board North Coast Region

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Guidance Document For the Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region Order No. R1-2003-0116

Introduction

On November 5, 2003, the North Coast Regional Water Quality Control Board adopted Order No. R1-2003-0116, Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region (enclosure 1). This waiver exempts timber operations conducted pursuant to the Z'berg-Nejedly Forest Practices Act and silvicultural activities on National Forest System Lands from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4, Division 7 of the California Water Code, except as provided within the waiver. Order No. R1-2003-0116 expires on December 31, 2004.

Activities Covered

Timber Harvest Plans, Non-Industrial Timber Management Plans, Emergencies, Exemptions or any other project consisting of timber operations conducted pursuant to the Z'berg-Nejedly Forest Practices Act are covered under the Interim Waiver Order No. R1-2003-0116.

Silvicultural activities on National Forest System lands conducted by the US Forest Service pursuant to the following plans, agreement, and law are covered under the Interim Waiver Order No. R1-2003-0116: (1) "Water Quality Management for National Forest System Lands in California," (2) State Water Resources Control Board/US Forest System Management Agency Agreement, (3) US Forest Service Land and Resource Management Plans, (4) decisions in compliance with the National Environmental Policy Act.

Please be advised that the commencement of timber operations, including the falling of timber, without coverage under a waiver or waste discharge requirements, may constitute the initiation of a discharge under CWC Section 13264, if supported by factual, site-specific findings. If the Regional Water Board finds, that a discharge has in fact been initiated, then enforcement actions pursuant to CWC Section 13265, could be pursued.

Who Should File for Coverage

Anyone conducting timber operations, as defined in the Z'berg-Nejedly Forest Practice Act PRC 4527, under an approved Timber Harvest Plan within the North Coast Region of California (enclosure 2) shall file a Notice of Intent (NOI) to be covered under this waiver. The NOI shall be signed by the landowner or an authorized representative. Non-Industrial Timber Management Plan owners do not need to file and are automatically covered by this waiver unless the waiver is revoked by the Regional Water Board or its Executive Officer. Emergencies and Exemptions are also automatically covered by this waiver and filing for coverage is not necessary.

Anyone conducting silvicultural activities on federal lands managed by the US Forest Service within the North Coast Region of California shall file for the waiver.

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However, any timber operations (non-federal) or silvicultural activities (federal) that have existing waste discharge requirements or waiver thereof need not file for coverage under this waiver.

How to File for Coverage

In order to be covered by this waiver, a NOI is necessary for timber operations or silviculture activities. The NOI shall be submitted to the Regional Water Board prior to commencement of timber operations or silvicultural activities. The waiver requires the landowner or an authorized representative to certify they understand and intend to comply with all water quality regulations including the Interim Waiver. This certification is included as part of the NOI form.

The Interim Waiver covers two areas of timber harvest. Separate NOI forms have been developed for timber harvest on non-federal lands and for silvicultural activities on federal lands. For non-federal lands, a Non-Federal NOI (enclosure 3) is required for all timber operations conducted under an approved Timber Harvest Plan.

The activities on federal land call for a separate certification, as well as a different NOI. The USFS NOI/Certification Form (enclosure 4) has been developed to fulfill the USFS certification requirements and the contractor's NOI requirement. The USFS is required to submit one type of certification if the project is contracted out or submit a different certification if the USFS conducts the project. The USFS NOI/Certification Form is slightly different from the Non-Federal NOI in that the contractor to the USFS must file the NOI.

To seek coverage under Order No. R1-2003-0116, complete the enclosed Non-Federal NOI for timber operations on non-federal land or the USFS NOI/Certification Form for silvicultural activities on federal land and submit to the Regional Water Board. The waiver requires the NOI to be submitted prior to commencement of timber operations or silvicultural activities.

Duration of Coverage

Once the NOI is received by the Regional Water Board certifying that timber operations or silvicultural activities comply with the conditions of the Interim Waiver (Section F for non-federal lands, Section H for federal lands), then the timber operations or silvicultural activities are covered under the Interim Waiver. The waiver would then remain in effect until one of the following occurs:

- the Interim Waiver Order No. R1-2003-0116 expires on December 31, 2004; or,
- the Regional Water Board adopts revisions to the waiver; or,
- the timber operations or silvicultural activities are terminated; or,
- there is a change in ownership; or
- the Regional Water Board or its Executive Officer revokes the waiver.

Where a change in land ownership occurs, the new landowner or authorized representative must submit a signed NOI to the Regional Water Board prior to commencing timber operations.

The waiver can be revoked at any time if the Regional Water Board or its Executive Officer determines that the criteria set forth in the Interim Waiver (Section G for non-federal lands, Section I for federal lands) are not met.

A letter acknowledging receipt of the NOI will be generated and mailed by Regional Water Board staff to the submitter within 30 days of receiving the NOI.

Attachments to the NOI

For Timber Harvest Plans, a copy of the approved Timber Harvest Plan is required to be submitted with the Non-Federal NOI. The Regional Water Board typically receives copies of the approved THPs through the California Department of Forestry and Fire Protection (CDF). Therefore, to satisfy Order No. R1-2003-0116, Item F.5, THP proponents need not submit another copy of the approved THP with the NOI unless otherwise notified.

For silvicultural activities on federal lands conducted under a contract with the USFS, a copy of the approved contract is required to be submitted with the USFS NOI/Certification Form. For projects conducted by the USFS without a contract, the USFS NOI/Certification Form is the only required submission.

Contact Information

The Regional Water Board's Timber Harvest Division consists of three units organized by geographic area as depicted in the enclosed map. The table below lists the name and telephone number of the contact person for each unit.

Timber Division Unit	Senior/Staff Contact	Phone Number
Eel River/Humboldt Bay	Mr. Mark Neely	(707) 576-2689
Klamath/Trinity	Mr. Fred Blatt	(707) 576-2800
Russian River/North Coast	Ms. Christine Wright-Shacklett	(707) 576-2686

Enclosures: (1) Order No. R1-2003-0116, Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region
(2) Map of the North Coast Region
(3) Non-Federal NOI form
(4) USFS NOI/Certification form